

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2, 4-5, 9, 12, 14-15, and 18-28 are cancelled. Claims 1, 3, 6-8, 10-11, 13, and 16-17, and 29-33 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 6, 7, 16, 17, 31, and 32 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, the specification was objected to as allegedly "failing to provide proper [] antecedent basis for the claimed subject matter." The Office Action specifically identifies the "reference inquiry generating means for generating reference inquiry information...", "inquiry result generating means for generating a result of the inquiry...", "comparing means for comparing...", and "discriminating means discriminating means for judging..." set forth in claims 1 and 29.

However, claims 1 and 19 as filed in the original specification clearly recite such features, and these claims are part of the disclosure. (See M.P.E.P. § 2163.06 III; and *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985).) Specifically, originally filed claim 1 recites:

1. A digital signal processing apparatus comprising: transmitting means for transmitting inquiry information to an information center over a communication line, said inquiry information being generated based on digital data which have been recorded on a storage medium loaded by a customer into the apparatus after undergoing a predetermined low bit rate coding process; receiving means for receiving a result of an inquiry conducted by said information center based on said inquiry

information; discriminating means for judging, based on said result of said inquiry, whether said digital data recorded on said storage medium are legitimately purchased data; and controlling means which, if said discriminating means judges said digital data to be legitimately purchased data, then executes a process to offer an additional service to said customer.

(Emphasis added.) Moreover, originally filed claim 19 recites:

19. An information center for judging whether digital data which have been recorded on a storage medium loaded into a terminal device and which have undergone a predetermined low bit rate coding process are legitimately purchased data, said information center comprising: receiving means for receiving identification information and inquiry information from said terminal device over a communication line, said identification information identifying said digital data which have undergone said predetermined low bit rate coding process and which are subject to an inquiry, said inquiry information being generated by said terminal device based on said digital data; retrieving means for retrieving said digital data subject to said inquiry from a digital data storage of said information center based on said identification information for identifying said digital data; reference inquiry information generating means for generating reference inquiry information based on the retrieved digital data; comparing means for comparing the generated reference inquiry information with the received inquiry information; inquiry result generating means for generating an inquiry result based on a result of the comparison; and transmitting means which, if the comparison reveals a match between the generated reference inquiry information and the received inquiry information, then transmits predetermined service information to said terminal device.

(Emphasis added.) The specification has been amended to include the subject matter of claim 19.

Further, the specification set forth:

If the applicable music data are found in step S1602, then step S1605 is reached in which the main server 10 generates reference inquiry information based on the predetermined frame of the applicable music data.

In step S1606, the main server 10 transmits the generated reference inquiry information to the music server system 30.

In step S1607, the music server system 30 compares the inquiry information it generated with the reference inquiry information received from the main server 10. In step S1608, the result of the comparison is sent from the music server system 30 to the main server 10.

If the comparison result obtained by the music server system 30 indicates a mismatch, then the system 30 gives a "mismatch" display in step S1609. If the comparison result indicates a match, then the music server system 30 settles charges as needed in step S1610. In step S1611, the main server 10 transmits additional service information to the music server system 30 as described above in FIGS. 11 through 14. In step S1612, the music data are moved from one storage medium to another within the music server system 30 in the manner depicted in FIG. 10.

(Emphasis added; see also Fig. 16.)

Hence, the specification clearly describes, e.g., the corresponding acts for the claimed features.

Claims 1-3, 6-8, 10-11, 13, and 16-17, and 29-33 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 2 is cancelled.

Claims 1, 11, and 29 have been amended to correct the informalities. Support for these changes is found in Figs. 15 and 16.

As described above, the cited claimed features are supported by the specification.

Applicants therefore submit that claims 1, 3, 6-8, 10-11, 13, and 16-17, and 29-33 are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph.

Accordingly, Applicants respectfully request the withdrawal of the Examiner's objections and the withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: September 15, 2009

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